

REMARKS

Claims 1, 3-5, 7 and 8 are pending in this application. Claims 2 and 6 were canceled in a previous response. Applicant respectfully requests reconsideration of the above-identified application, in view of the following remarks.

Claim rejections – 35 U.S.C. § 103

1. Claims 1, 3-5, 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the “admitted prior art of the present invention”, specifically Figure 2, in view of JP 09-229162. See 6/28/06 Office Action, p. 2. Applicant respectfully traverses this rejection and respectfully submits that claims 1, 3-5, 7 and 8 are patentably distinct from the cited references, taken alone or in combination.

The Office Action contends that the admitted prior art discloses a differential apparatus, but does not disclose “the differential case and output shaft forming a single and monolithic cast member.” The Office Action further contends JP 09-229162 remedies the deficiency of the admitted prior art because it discloses “a differential having a differential case (19) and a ring gear (20) formed from the same material into a single and monolithic cast member.” See 6/28/06 Office Action, pp. 2-3.

Independent claim 1 recites, *inter alia*,

A differential apparatus . . . the differential apparatus comprising: a differential case coaxially and integrally joined with the output shaft, wherein the output shaft and the differential case form a single and monolithic cast member.

According to the Office Action, the differential case (19) of JP 09-229162 corresponds to the differential case of Applicant's claim 1. Further, the Office Action alleges that differential case (19) and ring gear (20) are formed from the same material into a "single and monolithic cast member." See Office Action, p. 3.

Contrary to Applicant's claim 1, however, JP 09-229162 discloses a different structure. JP 09-229162 teaches a differential case (19) and ring gear (20) "cast with the same material." See English Translation of JP 09-229162, Fig. 1 & ¶11. The differential case (19) and the ring gear (20), not the output shaft (13), is "formed from the same material into a single and monolithic cast member." Thus, although JP 09-229162 teaches a differential case (19) and ring gear (20) "cast with the same material," it does not teach or suggest "[a] differential apparatus . . . wherein *the output shaft and the differential case form a single and monolithic cast member*," as recited in Applicant's claim 1.

Moreover, the Office Action does not allege that JP 09-229162 teaches an output shaft and differential case formed from the same material into a single and monolithic cast member," rather it alleges "that differential case (19) and ring gear (20) [are] formed from the same material." Applicant submits that it is clear in JP 09-229162 that ring gear (20) and output shaft (13) are separate elements. This is evidenced in JP 09-229162 in the "Solution" which states that "[t]his differential concerned 18 is structured so that the drive force of an engine is fed to a ring gear 20 from the output shaft 13 of a transmission 2. . . ." Therefore, Applicant's submit that the cited references do not render obvious the claimed subject matter.

Therefore, independent claim 1 is patentably distinct from the prior art or JP 09-229162, taken either alone or in combination. Further, independent claim 4 is patentably distinct

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from the cited references for at least a similar reason. Claims 3, 5, 7 and 8, which are directly or indirectly dependent from amended independents claim 1 and 4, are also patentably distinct from the prior art for at least a similar reason. Therefore, Applicant requests withdrawal of this ground of rejection.

CONCLUSION

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 5000-5169. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 5000-5169. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By: _____


Peter N. Fill

Registration No. 38,876

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.

3 World Financial Center

New York, NY 10281-2101

(212) 415-8700 Telephone

(212) 415-8701 Facsimile